

Misbranding of the article was alleged in the information for the reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On November 23, 1920, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9693. Misbranding of Dr. Eells' Vitalizing blood purifier. U. S. * * * v. Elbert Payton (F. Eells & Son Co.). Plea of guilty. Fine, \$50 and costs. (F. & D. No. 12811. I. S. No. 8689-r.)

On August 6, 1920, the United States attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Elbert Payton, trading as F. Eells & Sons Co., Centerville, Iowa, alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about April 28, 1919, from the State of Iowa into the State of Missouri, of a quantity of Dr. Eells' Vitalizing blood purifier, which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was a hydroalcoholic solution consisting essentially of sugar, Epsom salt, emodin-bearing plant material, and traces of volatile oils, consisting of wintergreen and sassafras.

Misbranding of the article was alleged in substance in the information for the reason that certain statements, designs, and devices regarding the therapeutic and curative effects thereof, appearing on the labels of the bottles and cartons containing the said article and in an accompanying circular, falsely and fraudulently represented it to be effective as a treatment, preventive, remedy, and cure for sick headache, dyspepsia, eruption of the skin, running ulcers, ringworm, rheumatism, scrofula, bilious disorders, diseases of the blood, stomach, liver, and bowels, palpitation of the heart, malaria, dizziness, despondency, female weakness, suppressed, irregular, and painful menstruation, leucorrhea, chronic erysipelas, old sores, sore eyes, goiter, all diseases of the glandular system, falling of the womb, inflammation of the vagina and womb, and gall stones, and effective to renovate the blood, when, in truth and in fact, it was not.

On March 8, 1921, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$50 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9694. Misbranding of The Texas Wonder. U. S. * * * v. 53 Bottles * * * of The Texas Wonder. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 12875. I. S. No. 9655-r. S. No. C-1961.)

On June 10, 1920, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 53 bottles of The Texas Wonder, remaining unsold at Cincinnati, Ohio, consigned by E. W. Hall, St. Louis, Mo., on or about May 21, 1920, alleging that the article had been shipped from St. Louis, Mo., and transported from the State of Missouri into the State of Ohio, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Bottle) "The Texas Wonder * * * E. W. Hall, Sole Manufacturer, * * * St. Louis, Mo."; (carton) "A Remedy For Kidney and Bladder Troubles, Weak and Lame Backs, Rheumatism and Gravel. Regulates Bladder Trouble in Children"; (circular) "Read Carefully * * * In cases of Gravel